

REMARKS

Claims 1-9 and 11-37 are pending. Claims 1-9, 11-17 and 31-37 have been allowed.

The Examiner rejected Claims 18-20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0189073 to Chadwick et al. ("Chadwick et al. '073"), and rejected Claims 21-30 under 35 U.S.C. §103 as being obvious over Chadwick et al. '073 in view of U.S. Patent No. 6,705,678 to Albright ("Albright '678").

Applicants have amended independent Claim 18 to call for a chair, including a pair of uprights connected to a base assembly, the uprights extending upwardly from a seat; an armrest mounted to each upright; a backrest disposed between said uprights and mounted to said uprights at respective locations on said uprights which are disposed above said armrests; and separate means for independently positioning said armrests and said backrest along said uprights.

Referring to Fig. 3 of the present application, for example, armrests 18 are each positionable on uprights 54 independently and separately from backrest 16. Advantageously, this allows each armrest 18 and the backrest 16 to be adjusted separately and independently.

In view of the Examiner's comments in the "Response to Arguments" section of the Office Action dated October 18, 2006, Applicants respectfully submit that Claim 18 is now in condition for allowance as same recites "separate means for independently positioning said armrests and said backrest along said uprights". Chadwick et al. '073, by contrast, discloses back support 22 and armrests 24 which are configured for simultaneous adjustment as a unit.

Applicants have amended independent Claim 23 to call for a chair, including a pair of uprights extending substantially vertically along opposite sides of a seat; an armrest mounted for sliding movement along each upright; and a backrest connected between said uprights at respective locations on said uprights which are disposed above said armrests, said backrest selectively positionable along said uprights independently of said armrests.

Chadwick et al. '073 and Albright et al. '678 each fail to disclose the foregoing structure. Thus, for similar reasons as set forth above with respect to independent Claim 18, Applicants respectfully submit that independent Claim 23 is also in condition for allowance.

It is believed that the above represents a complete response to the Office Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and respectfully request allowance thereof.

Application Serial No. 10/801,467
Amendment After Final dated December 19, 2006
Reply to Office Action dated October 18, 2006

In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefore and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



Adam F. Cox
Registration No. 46,644

Attorney for Applicants

AFC/mt

BAKER & DANIELS, LLP
111 East Wayne Street, Suite 800
Fort Wayne, IN 46802
Telephone: 260-424-8000
Facsimile: 260-460-1700

Enc. Return Postcard

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: December 19, 2006

ADAM F. COX, REG. NO. 46,644

Name of Registered Representative



Signature

December 19, 2006

Date